



California Fair Political Practices Commission

August 28, 1989

Ginger Bremberg
Glendale City Council
613 E. Broadway, Room 300
Glendale, CA 91206-4391

Re: Your request for Advice
Our File No. A-89-445

Dear Councilwoman Bremberg:

This is in reply to your letter requesting advice concerning your reporting obligations under the conflict of interest disclosure provisions of the Political Reform Act (the "Act").¹

QUESTION

Are you required to disclose as a gift, a charitable donation made in your name? If so, is the gift subject to the gift and honorarium limitation in Government Code Section 85400?

CONCLUSION

The donation, in your name, to the National Lupus Erythematosus Foundation is not considered a gift to you.

FACTS

You received notification from the National Lupus Erythematosus Foundation that Assemblyman Tom Bane made a donation to the foundation in your name to congratulate you on your reappointment to the California Waste Management Board. The amount of the donation has not been disclosed to you.

¹Government Code Section 81000-91015. All statutory references are to the Government Code unless otherwise indicated. Commission regulations appear at 2 California Code of Regulations Section 18000, et seq. All references to regulations are to Title 2, Division 6 of the California Code of Regulations.

Ginger Bremberg
Page Two

ANALYSIS

Government Code Section 82028 defines a gift as "... any payment to the extent that consideration of equal or greater value is not received..." Elected officials must disclose gifts received from a single source aggregating \$50 or more in a calendar year. (Section 87207.)

Regulation 18726.1 (copy enclosed) states that:

... a gift is "provided to, received by, or promised to" an official at the time the offer is extended if the gift is offered to the official in such a manner that it is within the official's discretion whether or not to accept it and the official ultimately decides to accept the gift. A gift is deemed accepted if it is tendered and comes under the control of the recipient official...

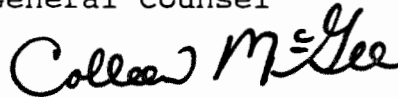
Because you had no discretion in whether to accept the donation to the National Lupus Erythematosus Foundation, and the donation did not come under your control, you have not received a reportable gift.

In addition, please note that the \$1,000 gift and honorarium limitation in Government Code Section 85400 relates only to gifts and honoraria received in connection with a speech, article or published work on a subject relating to the governmental process. Commission Regulation 18540(d) (copy enclosed) defines governmental process as "activities related to the official duties of the elected officer, or the functions, programs and policies of government."

If you have any other questions regarding this matter, please contact me at (916) 322-5662.

Sincerely,

Kathryn E. Donovan
General Counsel



By: Colleen McGee
Political Reform Consultant

enclosures

CITY OF

Glendale CALIFORNIA

613 E. Broadway, Room 200, Glendale, California 91206-4391

PC
JUL 26 1989
RECEIVED

(818) 956-4844

Office of the
CITY COUNCIL

July 21, 1989

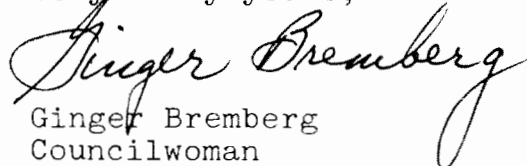
Fair Political Practices Commission
Technical Assistance and Analysis Division
428 "J" Street, Suite 800
P. O. Box 807
Sacramento, CA 90804

I am in receipt of a card from the National Lupus Erythematosus Foundation informing me of "a contribution" made to it in my name. The said contribution was made by the Honorable Tom Bane but the amount is not stated. The contribution is alleged to have been made "to congratulate" me on my reappointment to the California Waste Management Board.

In view of the fact that I am not only a member of the California Waste Management Board, but also an elected member to the Glendale City Council, and a member of the Glendale Redevelopment Agency, I am concerned with the provisions of Proposition 73 as this gift being a gift from a single source as defined in your regulations. Not knowing the amount of the gift, did I receive a gift which must be reported under the provisions of the Political Reform Act? To what extent am I responsible to determine the amount of the gift made on my behalf? Having never met the gentleman, I am curious as to why the contribution was made.

Your formal written advise is requested under the provisions of Government Code S. 84114(d).

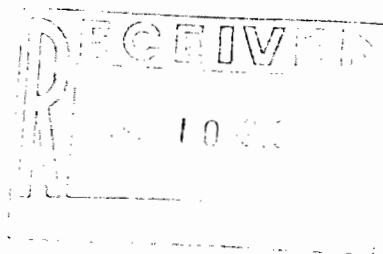
Very truly yours,


Ginger Bremberg
Councilwoman

GB:rg

cc: Office of Auditor General
Office of Attorney General

NATIONAL LUPUS ERYTHEMATOSUS
FOUNDATION, INC.
5430 VAN NUYS BOULEVARD
VAN NUYS, CALIFORNIA 91401



NLEF

A CONTRIBUTION

*To congratulate you on your reappointment
to the CH Waste Management Board*

has been received by the

NATIONAL LUPUS ERYTHEMATOSUS FOUNDATION

from

The Honorable Tom Loe

This expression of thoughtfulness will aid in the research program of
our Foundation.

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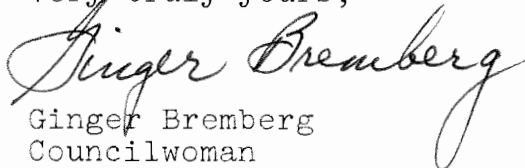
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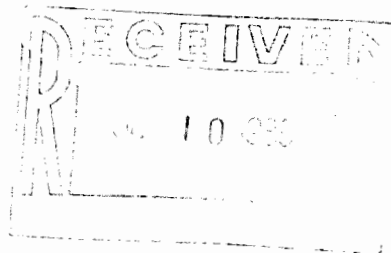
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Ginger Bremberg
Councilwoman

GB:rg

cc: Office of Auditor General
Office of Attorney General

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FOUNDATION, INC.
5430 VAN NUYS BOULEVARD
VAN NUYS, CALIFORNIA 91401



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from

The Honorable Tom Lane

This expression of thoughtfulness will aid in the research program of
our Foundation.



California Fair Political Practices Commission

July 28, 1989

Honorable Ginger Bremberg
Councilmember
613 E. Broadway, Room 200
Glendale, CA 91206-4391

Re: Letter No. 89-445

Dear Ms. Bremberg:

Your letter requesting advice under the Political Reform Act was received on July 26, 1989 by the Fair Political Practices Commission. If you have any questions about your advice request, you may contact me directly at (916) 322-5662.

We try to answer all advice requests promptly. Therefore, unless your request poses particularly complex legal questions, or more information is needed, you should expect a response within 21 working days if your request seeks formal written advice. If more information is needed, the person assigned to prepare a response to your request will contact you shortly to advise you as to the information needed. If your request is for informal assistance, we will answer it as quickly as we can. (See Commission Regulation 18329 (2 Cal. Code of Regs. Sec. 18329).)

You also should be aware that your letter and our response are public records which may be disclosed to the public upon receipt of a proper request for disclosure.

Very truly yours,

Jeanne Pritchard
Chief Technical Assistance
and Analysis Division

JP:plh